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City of Detroit
Board of Zoning Appeals
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JAMES W. RIBBRON
Director

REGULAR MEETING OF MAY 29, 2018
IN THE ERMA L. HENDERSON AUDITORIUM
ON THE 13TH FLOOR
COLEMAN A. YOUNG MUNICIPAL CENTER

DOCKET

- I. OPENING:**
 - A. CALL TO ORDER.....9:00 A.M.**
 - B. ROLL CALL.....**

II. PROCEDURAL MATTERS

III. MINUTES:

- A. APPROVAL OF May 22, 2018 MINUTES:**

IV. COMMUNICATIONS:

V. MISCELLANEOUS BUSINESS:

VI. PUBLIC HEARINGS:

9:15 a.m. CASE NO.: 97-17

APPLICANT: BODYWERKS, INC. / CHRISTOPHER KRASUSKY

LOCATION: 18700 FITZPATRICK ST Between: Warwick St and Brace St in a M2 Zone (Restricted Industrial District) – Council District #7

LEGAL DESCRIPTION OF PROPERTY: N-E FITZPATRICK 583&584 AND VAC ALLEY N & ADJ EMERSON PARK SUB L55 P45 PLATS, W C R 22/322 110 X 170

PROPOSAL: Bodywerks, Inc. /Christopher Krasusky appealing to seek relief from regulations in this zoning ordinance on the basis that the denial of the application TO establish a Used Auto Dealer, Parts, Wrecking & Dismantling [Salvage] Use on a 18,687 sq. ft. lot in a 7,307 sq. ft. bldg., has deprived the applicant of all reasonable use of his or her property in a B4 zone (General Business District). For purposes of this Zoning Ordinance, a hardship shall be defined as a denial of all reasonable economic use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable economic use of the property, the City of Detroit may provide the petitioner with relief from applicable zoning regulations in a M2 zone (Restricted Industrial District). This case is appealed because the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any denial of a site plan by the Planning and Development Department. Also, any applicant for development may file a Hardship Relief Petition with the Buildings and Safety Engineering Department which seeks relief from any regulations in this zoning ordinance on the basis that the denial of the application has deprived the applicant of all reasonable use of his or her property and shall forward the application to the Board of Zoning Appeals. Prior to any public hearing, the Board shall review, through its staff, the submitted documents with the Law Department as to their completeness and relevance to the claim that the subject property has been subject to a denial of all reasonable economic use. Staff is reporting its findings to the Board regarding the claim that the property has been subject to a denial of all reasonable economic use; the current Used Auto Sales (Permit#7004 May 5, 1979) is located at 18700 Fitzpatrick in a M2 zone – the use is not allowed in a M2 zone, Dismantling Use does not have a permit on record (per BSEED): should the Hardship be granted, a variance for the Dismantling will need to be considered. (Sections 61-4-71 Appeals of Administrative Decisions, 61-4-101 Deprivation of Use of Property, 61-4-111 Review and Consultation with the Law Department, 61-4-124 Application of the “All Reasonable Economic Use” standard, 61-4-125 Burden of proof, 61-4-126 Findings of the Board of Zoning Appeals Sec. 61-4-127 Additional forms of relief and 61-4-81 Approval Criteria (if Hardship is approved).AP

This Meeting is open to all members of the public under Michigan’s Open Meetings Act

10:15 a.m. **CASE NO.: 8-18**

APPLICANT: MATTHEW WARD

LOCATION: 22100 GRAND RIVER AVE Between: Redford St and Cooley St in a B3 Zone (Shopping District) – Council District #1

LEGAL DESCRIPTION OF PROPERTY: N GRAND RIVER ALL THAT PART OF S E 1/4 OF SEC 9 T 1 S R 10 E DESC AS FOLS BEG AT A PTE IN N LINE OF GRAND RIVER AVE 120 FT WD BG ALSO IN W LINE OF REDFORD AVE 66 FT WD TH N 61D W 50.15 FT ALG SD N LINE TH N 28D 56M 40S E 74 FT TH N 61D W 78.84 FT TH N 28D 56M 30S E 109.18 FT TH S 61D E 106.36 FT TH S 22D 04M 20S W 184.56 FT ALG W LINE OF REDFORD AVE TO P O B 22/--- 50.15 IRREG

PROPOSAL: Matthew Ward appealing to seek relief from regulations in this zoning ordinance on the basis that the denial of the application TO establish a Tire Service and Sales & Major Auto Repair Use on a 120ft x 66ft lot has deprived the applicant of all reasonable use of his or her property in a B3 zone (Shopping District). For purposes of this Zoning Ordinance, a hardship shall be defined as a denial of all reasonable economic use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable economic use of the property, the City of Detroit may provide the petitioner with relief from applicable zoning regulations in a B3 zone (Shopping District). This case is appealed because the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any denial of a site plan by the Planning and Development Department. Also, any applicant for development may file a Hardship Relief Petition with the Buildings and Safety Engineering Department which seeks relief from any regulations in this zoning ordinance on the basis that the denial of the application has deprived the applicant of all reasonable use of his or her property and shall forward the application to the Board of Zoning Appeals. Prior to any public hearing, the Board shall review, through its staff, the submitted documents with the Law Department as to their completeness and relevance to the claim that the subject property has been subject to a denial of all reasonable economic use. Staff is reporting its findings to the Board regarding the claim that the property has been subject to a denial of all reasonable economic use; the current use A Bank is located at 22100 Grand River in a B3 zone – the use is not allowed in a B3 zone. (Sections 61-4-71 Appeals of Administrative Decisions, 61-4-101 Deprivation of Use of Property, 61-4-111 Review and Consultation with the Law Department, 61-4-124 Application of the “All Reasonable Economic Use” standard, 61-4-125 Burden of proof, 61-4-126 Findings of the Board of Zoning Appeals 61-4-127 Additional forms of relief and 61-4-81 Approval Criteria (if Hardship is approved).AP

11:15 a.m. **CASE NO.:** 20-18 (aka BSEED 3-18)

APPLICANT: OPTIVIA

LOCATION: 6364 WOODWARD AVE Between: E. Baltimore Ave and Endicott Ave in a M4 Zone (Intensive Industrial District) – Council District #5

LEGAL DESCRIPTION OF PROPERTY: E WOODWARD 1 THRU 3 AND 78 VAC ALLEY ADJ TO SAID LOTS PATRICK MC GINNIS L4 P93 PLATS, W C R 1/97 129 X 252.07 32,358 SQFT SPLIT/COMBINED ON 3/22/2017 FROM 01004273., 01001822-33;

PROPOSAL: OptiVia representing White Castle Systems seeks a variance to waive Traditional Main Street Overlay (TMSO) standards by adding a Drive-up ATM to the current Restaurant with Drive Thru (Permit #43519 – September 21, 1972 and 93133 – March 16, 1995) in an M4 zone (Intensive Industrial District). This case is appealed because The Board of Zoning Appeals shall be authorized to hear dimensional variance requests for matters that are beyond the scope of Buildings and Safety Engineering Department ten percent (10%) administrative adjustments and for variance from Traditional Main Street Overlay standards, where, after investigation by the Board, it is found that such modification is necessary to secure an appropriate development of a specific parcel of land, provided, that any such modification will not be inconsistent with other requirements and general purpose of this Zoning Ordinance; and for loading and setback requirements; Sec. 61-14-287. Building design standards: Drive-up and drive-through facilities. Drive-up and drive-through facilities (including, but not limited to, restaurants and banks) are prohibited on zoning lots abutting a Traditional Main Street except where the Planning and Development Department determines that the proposed development complies with all of the other requirements of the Traditional Main Street standards and is allowed by the underlying zoning designation. Driveways or vehicle stacking areas shall not be located between the building and the Traditional Main Street. No more than one (1) driveway/curb cut shall be allowed on the Traditional Main Street. (Sections 61-4-92(1) Other Variances, Variance of Developmental Standards, 61-14-287. Building design standards: Drive-up and drive-through facilities and 61-4-81 Approval Criteria).AP

- VII. PUBLIC COMMENT / NEW BUSINESS
Next Hearing Date: June 5, 2018
- VIII. ADVISEMENTS / OLD BUSINESS
- IX. MEETING ADJOURNED